THE HON'BLE SRI JUSTICE C.V. RAMULU

Wednesday, 21st day of November,2007

W.P.No.2735 of 1999

Between:-

R.V.V.S.S. Ramachander Rao … Petitioner

and

The Regional Joint Director of
School Education, Government of
A.P., Hyderabad and others … Respondents

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ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the Proceedings Rc.No.6235/A1/A4/97, dated 22-1-1999 of respondent No.1 as arbitrary, illegal, and violative of Articles 14 and 21 of the Constitution of India and consequently, to direct the 1st respondent to grant approval of the petitioner's appointment as Head Master of the 3rd respondent-School.

It appears, petitioner was appointed as Secondary Grade Teacher against an aided vacancy in the 3rd respondent-School with effect from 5-1-1984. Thereafter, he was also promoted as School Assistant with effect from 1-4-1989 and further promoted as Head Master temporarily with effect from 11-7-1996. Though there were two seniors above him, since the first senior was not qualified in passing the Accounts Test and the second one has relinquished the post, he was appointed as a regular Head Master with effect from 15-7-1997 as per his seniority and the proposals were sent by the 3rd respondent on 16-7-1997 seeking approval of the appointment of the petitioner as Head Master of the School. That was also recommended by the Deputy Educational Officer to the 2nd respondent-District Educational Officer. However, the said proposals were returned on 21-1-1998 with certain objections to be complied with. In response to the same, the 3rd respondent again after complying with the objections

raised, resubmitted the proposals to the District Educational Officer and in turn, the District Educational Officer sent the same to the 1st respondent-Regional Joint Director of School Education. However, the 1st respondent vide his Proceedings dated 22-1-1999 returned the same on the ground that the seniority list of School Assistants working in the 3rd respondent-School is not attested by the District Educational Officer. Further, it was found that Kum. Bader Pasha, seniormost School Assistant has crossed 45 years of age and she is exempted from passing tests and thus she is also eligible for the post of Head Master. In view of the above, the proposals sent under letter Rc.No.481/18343/04/97, dated 11-11-1998 by the District Educational Officer, Hyderabad District were returned for being resubmitted along with attested seniority list with full details for taking necessary action in the matter. Aggrieved by the same, the present Writ Petition is filed.

Learned counsel for the petitioner strenuously contended that as on the date of submission of the proposals on 16-7-1997 Kum.Bader Pasha was not eligible for being promoted as Head Master since she has not passed the Accounts Test and the second senior had relinquished the post. Now, at this stage, in the year 1999 the question of asking to consider the case of Kum.Bader Pasha as per seniority does not arise. Further, as required under the letter dated 22-1-1999 the 3rd respondent-school had sent the proposals and seniority list duly attested by the District Educational Officer, but no action has been taken till date.

Under the above circumstances, the 1st respondent is directed to reconsider the proposals sent by the 3rd respondent along with the seniority list duly attested by the District Educational Officer and take appropriate action as per law, taking the date of proposal sent by the

School into consideration and pass appropriate orders, as per law, within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. No order as to costs.

21-11-2007

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